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Agenda item 7

# ADOPTION OF THE REPORT

## Addendum

## El Salvador

1. The Committee considered the second periodic report of El Salvador (CEDAW/C/13/Add.12) at its 198th meeting, on 27 January 1992. The list relating to this report contains the following questions:

"General observations

"1. Although commendable efforts have been observed, the Committee notes that the second report is not very different from the first and on the whole fails to include the statistical data requested. Could more information be provided to the Committee detailing the impact of the internal war on the situation of women and children, who constitute the most vulnerable groups?

"2. The Committee hopes that the cessation of hostilities will be followed by specific measures, duly recorded, for the advancement of women, since it has been stated that such measures are being elaborated and that it is the Government's wish to apply them. It would like to know how the Government intends to involve women in the post-war planning?

"Article 2

"1. What is the outcome of the work of the committee to review Salvadorian legislation, which was convened to eliminate any current vestiges of discrimination inherited from the past?

"2. Does the committee have any women members?

"3. Is there any timetable as to how to finish the work?

"Article 3

"1. What measures are being undertaken by the government agencies to ensure adherence to human rights by official law enforcement personnel?

"2. What measures will be taken to preclude any arbitrary action violating human rights by non-governmental groups?

"Article 4

"1. What is the size, the function and the budget of the Office of Women in the Ministry of Culture and Communications?

"2. Has the Office of Women or any other body developed plans or programmes for the advancement of women?

"3. Does it monitor equality of opportunities?

"4. Can you tell us how many cases it has dealt with?

"5. Has it taken steps to collect gender disaggregated statistics?

"6. Have any steps been taken to consult women's organizations in preparing the report?

"Article 5

"There is obviously a need to strenghten maternal and child health-care and family-planning services. How are single and abandoned mothers assisted and what is done to prevent early motherhood?

"Article 6

"1. Are there statistics on the number of women engaged in prostitution?

"2. Are there measures to facilitate the distribution of condoms to avoid AIDS?

"3. Has there been any thought of rehabilitating these groups and are there specific measures to detect the exploiters?

"4. As a result of the examination of the criminal law, has there been any amendment to give women greater protection?

"5. Does the rape of a prostitute carry the same penalty as other rape?

"Article 7

"1. Could information be given on the percentage of women with legislative, executive and managerial responsibilities?

"2. Has any temporary measure been devised to increase the number?

"3. What is the percentage of women in diplomatic posts?

"Article 10

"1. According to UNICEF data, approximately 400,000 children are totally outside the school system, and there is a very high rate of drop-outs. Illiteracy is also high. What programmes are there to give effect to the Government's intention to implement the education of women?

"2. What specific plans are there to provide a type of education that retains the children? Perhaps schools with school dining-rooms?

"3. What were the results of the schemes for literacy by radio?

"4. Given the fact that more women than men are illiterate, how does the Government intend to overcome this gap?

"5. Are there specific literacy programmes for women, and if not, why not?

"Article 11

"1. It is obvious that women's participation in the labour market has increased. Has any thought been given to training women to enable them to work at management levels?

"2. What percentage of women in the urban and rural areas have social security?

"3. Is there any government agency that investigates violations in the provision of benefits?

"4. Why are the retirement ages for women and men so far apart?

"5. Are there different conditions of work and social benefits in the public and private sectors?

"6. Why are women in such large numbers in the administrative and commercial sectors? Is it women's real choice and does it contribute to lower earnings levels?

"7. Has the Government planned to undertake a review of the protection legislation?

"Article 12

"1. It is estimated that approximately 60 per cent of the population has no access to sanitary facilities. Malnutrition and anaemia together with frequent pregnancies are the most common causes of maternal mortality. What measures are foreseen to reverse this situation to achieve as much success as the recently implemented vaccination scheme?

"2. How many women use the services of the 'maternity hospitals'?

"3. To what extent are children born at home?

"4. Are all Salvadorian women covered by the social security system and do all receive so-called 'maternity layette'?

"5. The Committee notes that there has been some improvement in reducing the high infant mortality. What measures have been the most productive and beneficial, and are there plans to extend those efforts?

"6. Are there preventive programmes and services to deal with the problem of AIDS?

"Article 14

"The Committee understands that only 40 per cent of the rural population has potable water and feels that the cooperatives and self-help groups acting jointly with the Government would be able to remedy the situation. Is there any plan of this kind?

"Article 16

"1. Has the provision of article 182 of the Civil Code that specifies that the husband owes protection to the wife and the wife obedience to the husband been repealed?

"2. Has the committee's review recommended a repeal of the discriminatory provisions under articles 182, 145 and 180?

"3. Are there many cases in which the wife voluntarily abandons the husband?"

Replies of the representative of the Government of El Salvador

2. Before replying to the list of questions, the representative reminded the Committee of the crisis that the country had undergone in the 1980s and its grave consequences, particularly for the poorest sections of the society, where a high percentage of women and children could be found. But with the conclusion of the negotiations between the Government and the Frente Farabundo Marti para la Liberación Nacional (FMLN) and the peace agreement of 16 January 1992, the country was entering a new phase of national

reconciliation and reconstruction with a view to reintegrating all social groups in order to bring about economic and social recovery and equal opportunities for women and men. The Government's national reconstruction plan was currently in its first phase. During the last few years, the armed conflict had affected all sectors of the society and, as a consequence, had led to a decline in the economic and social situation. Through migration outside the country the family unit had deteriorated and violence had increased.

3. The representative gave an overview of the most important articles of the Constitution that were currently under review in order to promote the status of women. She mentioned articles that prohibited discrimination on the grounds of sex in marital relationships, remuneration, education and nationality. Under the Constitution, anyone had the right to life, physical and moral integrity, liberty, security, work, ownership and possession and to the protection of those rights. Nobody could be obliged to change domicile except in special emergency circumstances. She said that a new civil code, which would protect women as essential members of the family, was in the process of being drafted. Many of the concerns expressed by the experts in relation to socio-cultural prejudices, which seemed to emerge from the country report and were reflected in the legal dispositions in force, would be overcome by some of the provisions contained in that draft family code, which would be based on a broader conception of the family. The idea was that the new family code would not just amend, but rather abrogate, the whole first part of the Civil Code of 1860, dealing with family rights. The most important innovations referred to an equal marriageable age of 18 years for women and men and to full equality of personal and property rights and duties of both spouses. Divorce was contemplated when the spouses' life in common became intolerable. The spouses had to deal jointly with all domestic duties and had to contribute to the family household according to their means. For the administration of the family property, the spouses could choose between the separation of goods, participation in the earnings and the association of earnings. De facto unions that had lasted for more than one year were considered equal to matrimonial unions as regards inheritance, personal and property rights. Parental authority was shared by both parents, and the name's rights were regulated by the new draft legal provisions.

4. In El Salvador, governmental institutions monitored the protection of women in society: the General Prosecutor's Office, which protected the family and gave legal assistance to persons with low income; the Attorney General, who started legal action in cases of violations of human rights regarding women; the Office of Women; the National Secretariat for the Family within the Women's Office; the Department for Women and Minors within the Ministry of Labour and Social Security; and the Centre for Development for Rural Women within the Ministry of Agriculture. Any assistance provided by the Attorney General was free of charge. In addition to that, the General Prosecutor's Office had a programme that gave abandoned women access to credit.

5. The representative then replied to questions contained in the list that had been transmitted to the Government.

6. On article 2, the representative explained that the special committee to review Salvadorian legislation in the light of the Convention on the Elimination of All Forms of Discrimination against Women had completed its work in 1991 and proposed a preliminary draft of the family code. It had been submitted for comments to several ministries and government agencies as well as to NGOs. The comments would be made available to the legislative assembly. Some of the comments made referred to the use of gender neutral language and the elimination of any reference to "good conduct" as a precondition for founding a family. Others referred to the repeal of the 300-day waiting period for women after the dissolution of a marriage before getting remarried, to family expenditure in the sense that housework should be estimated at the same value as the contributions made by the other spouse through paid work outside the house, to the equal sharing of household duties between the two spouses and to alimony duties of the child's father during the period of pregnancy and three months thereafter. The Committee had women members, and three women lawyers had participated in the drafting of the new proposed family code. As the work of the Committee had finished, a team with similar functions in the Ministry of Justice would resume its work.

7. Referring to questions under article 3, the representative said that through the reform of the Constitution the Office of the Prosecutor had been set up for the defence of human rights. It had to monitor the respect of human rights and make investigations either ex officio or following a denunciation.

8. On questions under article 4, the representative said that the Ministry of Culture and Communications had ceased to exist under the present Government and had become one of the four secretariats attached to the office of the President of the Republic. The Office of Women had become part of the Ministry of Education and was coordinated by the Women's Unit in the National Secretariat for the Family. It had developed the following plans or programmes for the advancement of women: training programmes for female shop owners and women working in home education, a programme on women, health and development, a training programme for persons in several government agencies and ministries about sex education, self-esteem and the women's problems. Other projects were the revision of Salvadorian legislation in the light of the Convention, in particular of the family, labour and penal codes, monthly seminars on the situation of women in different fields for women from governmental organizations and NGOs to complement the new draft laws and to raise consciousness, a pilot project for setting up offices for the defence of women victims of family violence, which would cooperate with the General Prosecutor's Office, the General Attorney's Office, some ministries and NGOs. Other programmes included a legal literacy programme, workshops on the integration of women into development, a workshop on rural women and communication, a regional seminar on women, health and legislation, which initiated the setting up of a commission for women and the family within the Legislative Assembly. With the financial assistance of UNFPA a profile of Salvadorian women was to be elaborated.

9. On article 5, the representative mentioned that the Adolescent Unit of the Department for the Family had worked out programmes for single mothers and gave particular attention to pregnant teenagers and teenage mothers to reduce teenage pregnancy, give them health care, labour protection and provide them with additional nutritional and pre-natal attention. The programme had been carried out in May 1990 in several provinces. It currently included most health centres in the Republic and provided the teenage mothers also with financial assistance through the communal banks. In May 1990, clinics for victims of sexual abuse had been set up in several district hospitals under the supervision of the Secretariat for the Family to provide them with medical, psychological and legal assistance.

10. Referring to questions posed under article 6, the representative stated that the National Department for the Family was currently preparing statistics on the number of women engaged in prostitution. Furthermore, a medical assistance programme was being carried out, which included weekly medical check-ups, tests for venereal diseases and HIV/AIDS tests. The Department provided to the prostitutes training in health matters and rehabilitation programmes. In the Penal Code there was a different penalty for rape, in general, and for rape of a prostitute, however, the penal legislation was currently under review.

11. On article 7, the representative said that statistics would be provided in the third periodic report and that there were some women in the legislative assembly and two women ministers, the Minister for Planning and the Minister for Education.

12. Turning to article 10, she explained that the Ministry of Education had prepared an adult literacy programme for women and men and that primary education had been expanded. Furthermore, the programme, entitled "glass of milk", provided children in primary schools with nutritional support.

13. On article 11, the representative said that detailed answers to the questions raised would be provided in the subsequent report. Women had access to technical and university education without limitation. The conditions for work and social benefits were mostly the same in the public and in the private sector. The different retirement ages of 55 for women and 60 for men were explained by the double burden, in the workplace and at home, often faced by women. Women were mostly involved in the informal, commercial and service sectors. The protection legislation was currently being reviewed.

14. Replies to questions posed under article 12 would be provided in a subsequent report.

15. Before concluding, the representative said that in her country equality between men and women was still an aspiration rather than reality and although it seemed difficult to achieve, it was an ideal that El Salvador wanted to become reality through overcoming the socio-political and economic problems and prejudices inherent in traditional patterns, which could not be achieved in the immediate future. The representative gave her Government's commitment

to prepare the third periodic report shortly and to give therein a full account of the situation of women in her country and of the projects that would be carried out within the national reconstruction plan. The internal efforts would be paralleled by bilateral and multilateral help in order to spark off the social development in countries like El Salvador, where development programmes had for so long been neglected.

16. Members of the Committee expressed their gratitude for the information provided and commended the competent manner in which that had been done. They showed understanding for the difficult period that the country had gone through and emphasized that if a country wanted to advance, it had to take into account the women's dimension for designing their policies and setting their objectives. The country's desire to achieve peace was praised and the hope was expressed that the international community would aid the national reconstruction effort.

17. However, they urged the Government to include statistical data in the subsequent report. Despite the Government's declaration to improve the status of women, the current report did not provide a detailed description nor a time-frame or an evaluation of the programmes for women. Although members were impressed by the policy to strengthen the family, they recommended to the Government that it modify discriminatory elements in the Civil Code to reflect better the Government's policies. Experts commended the fact that the draft family code had been submitted to various interest groups for comments, expressed the hope that it would soon be enacted and asked if legislation had been proposed on the status of children in de facto unions. Further questions referred to the grounds for divorce and to whether distribution of property was done in an equitable manner after the dissolution of a marriage. It was asked how many women had been assisted by the communal banks, how many prostitutes had been covered by the available programmes and whether any programmes were designed to convince men that the double burden on women's shoulders was not fair.

18. In reply to the additional questions raised, the representative said that the lack of statistics was a serious problem. Some data were available on the programmes for young mothers and sexual abuse. A detailed description of the programmes for women would be provided in the subsequent report. Regarding the Civil Code, the representative explained that what was aimed at was not a reform of the Civil Code, but a repeal of the whole part concerning the family, which should be replaced by the new draft family code. El Salvador had ratified the Convention on the Rights of the Child, and a Code for Minors existed, details of which would be provided in the subsequent report. The draft family code provided for dissolution of marriage in case of death or supposed death of one of the spouses and dissolution of the matrimonial bond through divorce by mutual consent, because of separation of the spouses for one or more consecutive years or the fact that life between the spouses was intolerable. The divorce might be requested only by the spouse not responsible for the breakdown of the marriage. Under the new code the couple was free to choose between the three types of patrimonial regimes already mentioned earlier. If no choice was made, the court imposed on the parties

the system of shared earnings. Regarding prostitution, it was said that about 600 women were protected by the programmes offered.

19. In concluding observations, the Committee showed its appreciation for the Government's optimistic approach to the issue of advancement of women considering the sufferings the country had undergone. The various agencies dealing with the status of women that had been mentioned and the access of women to communal banks were particularly commended. The Committee strongly asked for the inclusion of statistical data in the subsequent report and wished the Government every success in its undertakings.

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